

REMARKS

This is in response to the Office Action dated November 9, 2004. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

This response amends claims 7-8 and adds new claims 9-24. Accordingly, claims 7-24 are currently pending in the present application.

Initially, on page 2 of the Office Action, claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Usui et al.** (U.S. Patent No. 6,374,958). It is submitted that the present invention, as embodied by claims 7-24, now clearly distinguishes over the Usui reference for the following reasons.

Claim 7 has been amended in order to clarify the particular nature of the claimed resilient member. In a motor-driven brake, the torque in the resilient member must be borne by the motor as an additional load when the motor operates to exert a braking force. Storing a torque, which is unnecessarily large, lowers the efficiency of the braking operation. In this respect, even when the rotating member rotates by a significant degree, the maximum torque stored in the resilient member does not exceed what is commensurate in relation to the amount of the play. In other words, the resilient member only stores the amount of torque needed to provide a predetermined clearance between a brake pad and a piston (or between a brake pad and a brake rotor) after release of the braking operation, thereby minimizing the decrease in efficiency.

Note that claim 8 has been amended to provide proper antecedent basis for new dependent claims 17-24.

In the present invention, as defined in claim 7, the "resilient member" corresponds to the coil spring 60 in the embodiment illustrated in Figs 1-2.

In the explanation of the rejection, the Examiner takes the position that the coil spring 89 of Usui (see Fig. 13) corresponds to the resilient member recited in claim 7 of the present application. However, the coil spring 89, in fact, corresponds to the coil spring 54 of the present application, as opposed to the resilient member 60 (coil spring 60). Accordingly, the Usui reference does not teach anything regarding the specific resilient member required in claim 7.

The above-described differences should be clear based on the following side-by-side comparison between the pertinent elements of claim 7 and the Usui reference:

Claim 7	Fig. 13 of Usui (USPN 6,374,958)
Rotating member (first disk 32)	Movable disk 78
Limiter 51 (engaged with the rotating member with an amount of play in a direction of rotation)	Limiter 87 *Note, the rejection refers to "an element in the vicinity of 88, 94". However, no element in the vicinity of spring holder 88 and flange portion 94 engages the movable disk 78 with an amount of play in a direction of rotation.
Resilient member (coil spring 60; provided between rotating member 32 and limiter 51)	There is no resilient member disposed between movable disk 78 and limiter 87.

Clearly, the Usui brake does not include a resilient member provided between

the rotating member in said rotary-to-rectilinear motion converting mechanism and the limiter in said pad wear compensating mechanism. Thus, the Usui reference does not disclose each and every limitation of independent claim 7, and therefore Usui cannot anticipate claim 7 under 35 U.S.C. 102(b). Further, the added language of claim 7 should make it clear that the claimed "resilient member" corresponds to the coil spring 60, which is disclosed in connection with the embodiment illustrated in the drawings.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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